

### REMARKS

This is in response to the Official Action of October 3, 2006. First, the objections to claims 1, 4-5 and 14 are believed to have been corrected by making the changes suggested by the Examiner.

The drawing corrections are believed to be taken care of by the submission of formal drawings that are included herewith. They are marked with "replacement sheets" as necessary.

In the rejection under the prior art, claims 1, 9 and 14 were rejected as being anticipated by Cummins et al., which is believed to be U.S. Patent No. 6,760,052. It is true that the present Applicant is one of the Applicants in the '052 patent, but the '052 patent is admitted to be prior art, in that it was in public use and on sale more than a year before the filing of this application.

However, it is respectfully submitted that the Examiner has misinterpreted and has attributed to the structure shown in the '052 patent features that are not there. The Examiner indicated that Cummins disclosed a drive 10 for a tray assembly 22 movable between extended and retracted positions, and that FIG. 3 inherently showed a support frame having rails and guides for moving the tray longitudinally along the rails between the extended and retracted positions. That is true. The tray does extend and retract, and it is guided on rails and supported on a frame.

The Examiner then went on to indicate that FIG. 1 inherently showed drive members on opposite sides of the tray assembly driving from both of the tray sides adjacent the rails between the extended and retracted positions. That is not true. The Cummins et al. '052 patent has a drive on one side of the tray, which is illustrated at FIG. 1, and in FIG. 2 with the numeral 23A. This is a single belt, similar to one of the belts shown in the present application, that is driven by a motor and which moves the tray as the belt is driven along its axis. The belt extends over pulleys, but there is only a drive to one side of the tray, and the opposite side of the tray is not driven. Thus, the FIGS. of the '052 patent cannot inherently show the drive members

on opposite sides of the tray because there is only one drive member on one opposite side of the tray.

Therefore, it is respectfully believed that claim 1 is allowable as now amended, because of the feature of "drive members on opposite sides of the tray assembly to independently and simultaneously drive the tray assembly from both of its sides between the extended and retracted positions."

The '052 patent shows the way that the drives were made until the present structure, which permits the ability to align the CD carrying tray more precisely, and eliminates any tendency of the tray to skew toward the undriven side as it is retracted and extended.

Therefore, favorable action on claim 1 is respectfully requested, and it is thus believed that claim 14, which was rejected, will also be allowed with claim 1.

Claim 9 has been amended to provide a unique construction that is not shown or suggested in the Cummins '052 patent. The claim has been amended to include a motor that will drive the drive members. The drive members are drivably coupled from the motor to each of the opposite sides of the tray. These are separate drives, and they will move each of the opposite sides of the tray to drive the tray along the guide rails between the loading and processing positions. In claim 9 now, there is a separate friction clutch between the motor and each respective drive member, so that each drive member can stop independently of the other drive member as the motor continues to drive. In this manner, stop members can be used for alignment of the tray without damaging the drive because the independent drives will be driven through slip clutches that will slip when one of the drive members on the side of the tray where the drive member is coupled to engages a stop.

The addition of the friction slip clutches to each drive member is believed to clearly define non-obviousness over Cummins et al. or any of the other references cited, and favorable action on claim 9 and its dependent claims (which already have been indicated as allowable) is respectfully requested.

Claim 2 has been re-written as an independent claim and was indicated as being allowable. An additional fee of \$100.00 for the additional independent claim is enclosed.

With the filing of the formal drawings, it is believed that the formalities have been taken care of, and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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